

COMMONWEALTH OF VIRGINIA

Department of Environmental Quality

Division of Water Programs

Larry G. Lawson, P.E., Director

Subject: Guidance Memo No. 03-2003
Interpretation for Water Monitoring of Guidance Memo No.00-2016
Chain of Custody Policy and Procedures

To: Regional Directors

From: Larry G. Lawson, P.E., Director



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COPIES: Rick Weeks, John Daniel, Karen Sismour, Renee Hooper, Alan Pollock, Regional Water Quality Planning Managers and staff, WQMA Staff, and Enforcement Division Program Managers

Summary:

This memo clarifies under which situations Chain of Custody procedures are not required when collecting water monitoring samples.

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Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, It does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

Chain of Custody Policy and Procedures

Since the adoption of Guidance Memo No. 00-2016, Chain of Custody Policy and Procedures, on October 23, 2000, DEQ field staff acquired practical experience applying this policy to water monitoring activities. As a result, several questions have been raised in regards to how this policy should be applied to routine water monitoring activities.

The chain of custody policy is intended to “...ensure the integrity of samples so they can be used as admissible evidence to enforce the Commonwealth’s environmental laws and regulations...”. The policy addresses applicability by stating, “...Samples taken in all cases involving a facility, permit, certificate, order or potential violation of a regulation or law shall follow chain of custody procedures. Samples taken for ambient environmental monitoring do not require chain of custody procedures...”. Ambient monitoring includes the following monitoring strategy modules: watershed monitoring, trend monitoring, lake monitoring, probabilistic monitoring, and biological monitoring.

The chain of custody policy is interpreted to not require chain of custody procedures for TMDL monitoring unless a facility, permit, certificate, order or potential violation or a regulation or law applies. However, in any instance where any water monitoring sample result, including those from ambient or TMDL samples, are, within reason, expected to be used as evidence in a court of law, chain of custody procedures shall be used without exception. Activities that do not require chain of custody procedures are not prohibited from their application if there are other specific circumstances that would make their application prudent.

Chain of custody procedures also are further clarified for water monitoring as follows in order to improve the process, reduce staff time required, and still meet the spirit and intent of the policy by maintaining the integrity of water samples:

1. Definitions (2.3). “Sample Custodian” for water monitoring activities means either an individual or team of agency employees working in the field together on a monitoring run.
2. Sampling Documentation (4.2), “Custody Forms” shall be completed by the sample custodian at the completion of the sampling run for that particular shipment to the lab and submitted with each sample set. If a team of samplers collect the samples, each specialized sampling group’s function must be identified on the Chain of Custody form in the top third of the form in the area shown as “Samplers” and each member of the group must sign the form in that area. The supervising member of the sampling team must fill out the bottom of the Chain of Custody form in the space shown as “Relinquished by” as well as identify themselves in that space as the supervisor. Chain of Custody forms printed from CEDS (Comprehensive Environmental Data System) may be used in lieu of the pre-printed, 3-part, carbon Chain of Custody Forms.
3. Sample Packaging, Transport, and Transfer of Custody (5.1.3). The use of evidence tape, both wrapping bottles and initialing them, is not required for water monitoring, provided sample bottles are securely sealed in plastic bags.